

Henry Wingate, an African American I had recommended 20 years ago for the Federal bench, who is now the chief judge of the Southern District in the United States District Court.

There are several other judges, all of whom were there. Edith Jones of the Fifth Circuit, who is the chief judge now of the Fifth Circuit Court of Appeals, was our principal speaker on this occasion. And I noticed that the person who is a U.S. marshal for the Southern District of Mississippi is Nehemiah Flowers, whom I had recommended many years ago and has served in that job with distinction and reflected credit on African Americans of our State, but also as an individual in his own right who is the chief keeper of the peace and law enforcement official in the Federal District Court, I was proud to be there on the podium with him.

Leslie Southwick is totally well qualified and ought to be confirmed by the Senate. I have spoken on the Senate floor a couple of times at great length about it and put into the RECORD letters from people all over our State commending him and vouching for him, talking about his experiences as a judge and my familiarity with him as a person. He has a record that would be the envy of anyone who would aspire to be admired and respected as a judge or a lawyer or a citizen. I can't believe that he is being challenged as harshly as he is by some in this body, and I urge the Senate to confirm him as a United States Court of Appeals judge tomorrow.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, how much time remains?

The PRESIDING OFFICER. Four minutes.

Mr. BROWNBACK. Mr. President, I want to speak in favor of Judge Southwick and the nomination and would take up that 4 minutes.

A couple of quick points I want to make on this because the time is short, the hour is late, and I appreciate the Presiding Officer staying. I have met and I have gotten to know Judge Southwick. I have worked with him. I have seen him now through two Senates, the last Senate and this Senate. This is an honorable man. This is a good man. I think this is a smear campaign that people are trying to do on him, on a good man.

I think if he came up in different circumstances everybody would say: Why, absolutely he is the right person for it.

Part of the reason I say that is you look at the last Congress when he came up in front of the Senate Judiciary Committee. Judge Southwick came up in the last Congress, and he was unanimously approved by the Judiciary Committee, seen as a consensus nominee who should move forward. He has been through these parts before. Why is it he was unanimous last time around and now he is a controversial candidate? Why is it you are looking at 7,000 opinions and somehow now we found something in a couple of opinions but didn't find those last year when people were fly-specking it?

I think this is kind of a sign of the times and where we are and the President's time period and the President's approval ratings. He is in his last 2 years and people are looking and saying we don't want to get these many circuit court judges approved. But if you look at the record, this is not fair to this judge.

Look at the diversity issue. I just want to put a chart up on the diversity of the Fifth Circuit because that issue has been raised, the number of appointees to the Fifth Circuit. Under President Clinton and Bush: Women appointed under President Clinton, zero; President Bush appointed two; African Americans, one under Clinton, none under Bush; Hispanics, one under Clinton, one under Bush, and actually there was a third woman appointed under Bush. I don't think that stands the review and test of us being honorable and honest with what the situation is.

This is a judicial emergency situation. Senator LEAHY has previously stated if a vacancy is deemed to be a judicial emergency, it should be addressed quickly. This is a judicial emergency, as determined by the non-partisan Administrative Office of the Courts. They have declared the seat to which Judge Southwick has been nominated a judicial emergency.

Senator LEAHY, for whom I have a great deal of respect and worked with on a number of additional issues other than this, has also said it is important whether the two home State Senators support the nominee. You have just heard from the two home State Senators who strongly support this nominee.

I think the criteria that have been previously set to fill a circuit court position have been met, in many cases even exceeded. Yet we have a controversy over a person who was seen, one Senate ago, one Congress ago, as a consensus candidate. This seems to be much more reflective of the time rather than the person, and I don't think that is meritorious of this body, to decide something on, OK, it is in this session of Congress rather than the prior session of Congress.

Here is an honorable, good man. If you have qualms with one of the nominees, fine. But let's make it a real set of qualms and let's not make it something that we invent this session, during this Congress, and try to take it out on somebody who is a good candidate.

Here is a person who served honorably in the military, even asked that his age be waived so he could join the Army Reserves at age 42. In 2002, at the age of 53, he volunteered to transfer to a line combat unit that was widely anticipated to deploy to Iraq.

This is an honorable man. I urge my colleagues to actually look past the way he is being painted and look to the reality of the facts and to the longevity of his service and what he seeks to do and to vote and to support this nominee.

I yield the floor.

LEGISLATIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL INTEREST ELECTRIC TRANSMISSION CORRIDOR

Mr. CASEY. Mr. President, I rise today to address not only a major public policy issue for the State of Pennsylvania but also a fundamental issue of fairness and the proper role of Government, which I think will have an impact on the country as a whole.

Recently, the U.S. Department of Energy designated 52 counties—52 out of Pennsylvania's 67 counties—as part of a power transmission corridor, more formally known as the National Interest Electric Transmission Corridor. This means the Government will be able to turn three-quarters of the State of Pennsylvania into a superhighway of transmission towers.

Their authority to designate this corridor was granted in the Energy bill passed in 2005 in the previous Congress. This designation would allow the Federal Government to override State authority and construct high-voltage power transmission lines wherever they please—virtually wherever the Federal Government pleases. They could place the lines on farmland, through neighborhoods, through someone's backyard, and, for example, through a beautiful vineyard such as the one I saw most recently in Greene County in the furthestmost southwestern corner of Pennsylvania, so virtually anywhere in the Commonwealth and anywhere in the country.

Earlier this year, the Department had a public comment period where I and other public officials and most importantly my constituents spoke out loudly in opposition to the draft corridor plan. That draft plan is virtually identical to the final plan.

Let me give my colleagues a sense of what we are talking about here. This is a map which depicts the draft Mid-Atlantic and Southwest area national corridor. There are people in Washington who for years have been talking about creating opportunities for more power, and this is a national priority, they say. Yet we can see just by the dotted areas that there are a lot of States in the Northeast that will be impacted—obviously, New York and Pennsylvania, West Virginia, Maryland, and a few others, and then out West in the furthestmost reaches of the Southwest of our country, principally in the State of California. So for all of the talk about a national priority, there is very little that impacts the middle of our country.

I sent letters, as Senator SPECTER did, to the Department of Energy, but so far, I am not happy to report the Department of Energy has ignored my